

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11588 of 2024

Applicant :- Dinesh Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Dep'tt. Home Lko. And Another

Counsel for Applicant :- Ram Bahadur Maurya, Anil Kumar Mishra, Arun Chand Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the parties.

The present application has been filed for the following main relief(s):-

For the facts, reasons and circumstances stated in the accompanying Affidavit, it is most respectfully prayed that this Hon'ble court may kindly be pleased to quash the impugned order dated 7.9.2021 passed by learned Additional Sessions Judge, Court No.5, Sultanpur in Sessions Trial No.230/2016 (State Versus Dinesh Kumar) arising out of Case Crime No.966/2014, under sections 147, 452, 308, 323, 506, 379 IPC, Police Station: Musafirkhana, District: Amethi by means of which the learned trial court has issued non bailable warrant against the petitioner for procuring his appearance in the above said trial proceeding, as contained in Annexure No. 1 to this petition.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the operation and implementation of the impugned order dated 7.9.2021 passed by learned Additional Sessions Judge, Court No.5, Sultanpur in Sessions Trial No.230/2016 (State Versus Dinesh Kumar) arising out of Case Crime No.966/2014, under sections 147, 452, 308, 323, 506, 379 IPC, Police Station: Musafirkhana, District: Amethi, as contained in annexure No.1 to this petition in the interest of justice."

Considering the facts and circumstances of the case as also the law laid down by the Hon'ble Apex Court in the case of ***Inder Mohan Goswami and another vs. State of Uttaranchal and others*** reported in ***(2007) 12 SCC 1***, ***Sunil Tyagi vs. Govt. of NCT of Delhi and another*** reported in ***2021 SCC OnLine Del 3597*** and ***Satender Kumar Antil versus Central Bureau of Investigation and another*** reported in ***(2022) 10 S.C.R. 351 : (2022) 10 SCC 51*** and the statement of counsel for the applicant that the applicant would appear before the court concerned, it is provided that if the applicant appears before the court concerned within two weeks from today and move an appropriate application before the trial court including for recall of non-bailable warrant, the same shall be considered and decided by the trial court expeditiously strictly in accordance with law.

For a period of two weeks, no coercive action shall be taken against the applicant so far as the proceedings in issue are concerned.

In case, the applicant does not appear in terms of this order, coercive action shall be taken against him.

The present application is ***disposed of*** in above terms.

Order Date :- 18.12.2024

Jyoti/-